



**United States Attorney  
Middle District of Alabama**

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May 25, 2006

**VIA FIRST CLASS MAIL**

Henry L. Penick, Esq.  
H.L. PENICK & ASSOC., P.C.  
P.O. Box 967  
Birmingham , AL 35201-0967

Re: Windsor v. Harvey  
Civil Action #: 01:05-cv-1196-MEF

Dear Mr. Penick:

It has come to my attention that we have not exchanged initial disclosures in this matter. Enclosed is a list of exhibits currently available to me, the most of which are not privileged or otherwise non-discoverable. These are available in my office at your convenience, or feel free to call me and we can work out getting them copied. Also attached is a list of potential witnesses that may have discoverable information to support our claims and defenses. Needless to say, we have no computation of damages nor is there any insurance available to satisfy any judgment against us.

I would appreciate your initial disclosures in this matter as soon as convenient.

If you have any questions, or if I may be of any assistance, please do not hesitate to contact me.

Sincerely,

FOR THE UNITED STATES ATTORNEY

LEURA G. CANARY

R. Randolph Neeley  
Assistant United States Attorney

Enclosures

EXHIBIT LIST

Ruthie L. Windsor v. Francis J. Harvey, Secretary of the Army , No.  
1:05CV1196-B, filed in U. S. District Court, Middle District of  
Alabama

- A. ....EEOC Decision, September 12, 2005
- B. ....Agency Brief in Opposition to Complainant's Appeal, May 19, 2005
- C. ....Complainant's Appeal to EEOC, April 20, 2005
- D. ....Final Agency Decision, March 21, 2005
- E. .Administrative Judge's Decision and Letter to Agency, March 9, 2005
- F. ....Complainant's Opposition to Agency's Motion for Summary Judgment  
February 3, 2005
- G. .... Agency Motion for Summary Judgment, January 14, 2005
- H. ....Stipulation of Undisputed Facts, January 12, 2005
- I. ...Drafts & Correspondence Regarding Stipulation of Undisputed Facts  
January 2005
- J. ....Agency Letter to Complainant's Attorney Re Discovery Responses  
December 29, 2004
- K. ....Agency Response to Complainant's Discovery Request  
December 14, 2004
- L. ..... E-mail, Re Complainant's Discovery Request, December 6, 2004
- M. Letter to Complainant's Attorney Re Complainant's Discovery Request  
December 3, 2004
- N. ....CPAC Response to Discovery Tasking, December 3, 2004
- O. ....Complainant's Witness List, November 30, 2004
- P. ....Complainant's Itemization of Compensatory Damages  
November 30, 2004
- Q. ....Complainant's Response to Agency Interrogatories  
November 30, 2004
- R. ....Complainant's Combined Request for Production of Documents  
And Interrogatories, November 12, 2004

S. .... E-mail Re Complainant's Discovery Request, November 22, 2004  
T. .... E-mail to Administrative Judge, November 1, 2004  
U. .... Agency Request for Production of Documents and Agency Request  
for Response to Written Interrogatories, October 29, 2004  
V. .... Complainant Designation of Representative, November 2, 2004  
W. .... EEOC AJ Acknowledgement and Order, October 22, 2004  
X. .... Transmittal Letter of File to EEOC AJ, October 15, 2004  
Y. .... Complainant's Request for EEOC Hearing, September 21, 2004  
Z. .... Transmittal Letter of Investigative File to Complainant's  
Attorney, September 2, 2004  
AA. .... Compliance Report, September 2, 2004  
BB. .... OCI Investigative File, August 30, 2004  
CC. .... Compliance Report, August 4, 2004  
DD. .... Amendment of EEO Complaint, July 7, 2004  
EE. .... Compliance Report, June 28, 2004  
FF. .... COL Cripps Affidavit, June 17, 2004  
GG. .... Designation of Representative, June 16, 2004  
HH. .... Notice of Investigation, June 14, 2004  
II. .... Draft of COL Cripps Affidavit and Related Correspondence  
June 9, 2004  
JJ. .... OCI Notice of Hearing, June 8, 2004  
KK. .... Compliance Report, June 7, 2004  
LL. .... Transmittal Letter, Complaint File, May 6, 2004  
MM. .... Complainant's Itemization of Damages, May 5, 2004  
NN. .... Compliance Report to EEOC, May 4, 2004  
OO. .... OCI Letter Accepting Complaint for Investigation, April 28, 2004  
PP. .... Complaint Acceptance Letter, April 21, 2004  
QQ. .... Request for Assignment of Investigator, April 21, 2004

RR. .... Letter from EEOCRA Re OFO Remand, April 14, 2005  
SS. .... OFO Remand, April 5, 2005  
TT. .... E-mail Traffic Re Complainant's Annual Evaluation  
March 6 - May 16, 2003  
UU. .... Agency Brief In Opposition to Complainant's Appeal  
January 28, 2003  
VV. .... EEOCRA Tasking for Response to Complainant's Appeal  
January 21, 2003  
WW. .... Complainant's Appeal of Agency Dismissal, December 7, 2002  
XX. .... Dismissal Decision, November 8, 2002  
YY. .... Letter of Receipt of Complaint, October 21, 2002  
ZZ. .... Formal Complaint of Discrimination, October 21, 2002  
AAA. .... Complainant's Response to Agency Opposition, October 15, 2002  
BBB. .... Agency's Opposition to Appellant's Comments/Opposition Brief  
Dated 12 September 2002 and 21 September 2002, October 7, 2002  
CCC. .... Agency's Opposition to Appellant's Comments/Opposition Brief  
Dated 12 September 2002 and 21 September 2002 (with Attachments)  
October 7, 2002  
DDD. .... SF-50 Reassigning Complainant to New Position Description  
October 8, 2002  
EEE. .... E-mail Re Complainant's Reassignment, October 7, 2002  
FFF. Letter to Complainant's Attorney Re Final Interview, October 4, 2002  
GGG. .... EEO Counselor's Report, October 4, 2002  
HHH. .... E-mail Traffic Regarding Informal Complaint, October 2, 2002  
III. .... Proposed Dismissal for Failure to Cooperate, September 26, 2002  
JJJ. .... Complainant's Allegation of Noncompliance, September 21, 2002  
KKK. .... Request for Personnel Action, Reassignment to New PD  
September 16, 2002  
LLL. .... Letter of Representation, September 10, 2002  
MMM. .... Complainant Letter to OFO (Comments/Opposition Brief)  
September 12, 2002

NNN. ....Memorandum, Assignment to PD EG127165, September 6, 2002  
OOO. ....Addendum to Pre-complaint Intake Interview, September 6, 2002  
PPP. ....Correspondence Regarding Proposed Meeting, September 6, 2002  
QQQ. ....Pre-Complaint Intake Interview and Related Documents  
September 4, 2002  
RRR. ....Correspondence Re Classification Advisory, August 26-27, 2002  
SSS. ....EEOCRA's Decision Re Complainant's Third Appeal Alleging  
Noncompliance, August 26, 2002  
TTT. ....E-mail Re Classification Advisory, August 23, 2002  
UUU. ....Correspondence and Documents relating to August 20, 2002  
Meeting and Attempts to Document the Contents, August 20-23, 2002  
VVV. ...Agency's Opposition to Complainant's Third Appeal, August 21, 2002  
WWW. ....E-mail Re Request for Position Description Documentation  
August 20-21, 2002  
XXX. ...E-mails Re Classification Action, July 02, 2002 - August 14, 2002  
YYY. ....Internal Agency Correspondence Re Complainant's Third Appeal  
August 8 & 14, 2002  
ZZZ. ....Complainant's Third Appeal Alleging Noncompliance, July 29, 2002  
AAAA. ....Letter To Complainant Re Request for Documents, July 24, 2002  
BBBB. ....E-mail Re Position Description, June 12, 2002  
CCCC. ....Compliance Report and Related Documents, 4 June 2002  
DDDD. ....E-mail Re Position Description, May 30, 2002  
EEEE. ....EEOC Remand Order, April 30, 2002  
FFFF. ....SF-50, April 24, 2002  
GGGG. ....Agency's Opposition to Complainant's Second Appeal and  
Related Documents, January 18, 2002  
HHHH. ....Complainant's Second Appeal of Noncompliance, December 13, 2001  
IIII. ....SF-50, Reassignment, December 6, 2001  
JJJJ. ....EEOCRA Decision on Complainant's First Appeal, November 15, 2001

KKKK. .... Agency's Opposition to First Appeal, October 31, 2001  
LLLL. .... E-mail Traffic Re Classification of Position, October 10-26, 2001  
MMMM. .... SF-50, Extension of Reassignment, October 22, 2001  
NNNN. .... Request for Personnel Action, October 10, 2001  
OOOO. .... Complainant's First Appeal for Noncompliance, October 10, 2001  
PPPP. .... E-mail Traffic Re First Classification Action  
May 15 - Sept. 25, 2001  
QQQQ. .... Memorandum Re Classification Action, May 21, 2001  
RRRR. .... SF-50, May 2, 2001  
SSSS. .... SF-1049, April 30, 2001  
TTTT. .... SF-50, April 26, 2001  
UUUU. .... OCI Letter, April 12, 2001  
VVVV. .... Negotiated Settlement Agreement, April 12, 2001  
WWWW. .... Miscellaneous Correspondence with OCI, March 15, April 2, 2001  
XXXX. .... Memorandum for Record Re Detail of Complainant, March 14, 2001  
YYYY. .... Documentation Re Informal Counseling and Processing of First  
Complaint, November 2000 - March 2001  
ZZZZ. .... Miscellaneous Documentation Predating Complaint

WITNESS LIST

Witness Name:

1. Ms. Glenda Sammons  
Civilian Personnel Advisory Center  
Bldg. 5700, Novosel Street  
Room 380  
Ft. Rucker, AL 36362-5000  
(334) 255-9015

Expected Testimony:

Will testify regarding Ms. Windsor's claim that the Agency sent two separate position descriptions to be classified and graded.

2. Ms. Trish Huck  
Centers for Disease Control  
Atlanta, GA

Will testify concerning the classification and grading of the position description.

3. Mr. Keith Darrow  
Director, Operations Office  
ATTC  
Fort Rucker, AL  
(334) 255-8261

Will testify concerning the Agency's compliance with the settlement agreement, actions taken concerning the position description and the performance evaluation

4. Mr. David Cripps  
Aviation Eng. Directorate

Was the commander of ATTC during the relevant time period. Will testify concerning the actions taken regarding the position description and the performance evaluation

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